

**Commission on Peace Officer Standards and Training**

1601 Alhambra Blvd
Sacramento, CA 95816-7083
www.post.ca.gov

Date: June 9, 2006

Bulletin: No. 2006 - 08

Subject: **Notice of Proposed Regulatory Action – National Incident Management System (NIMS) Training Courses, Regulations 1070, 1081, and 1082**

At its April 27, 2006 meeting, the Commission approved a proposal to amend Commission Regulations 1070, 1081, and 1082. The proposal implements the requirements of the Homeland Security Presidential Security Directive-5 (Managing Domestic Incidents) and California Government Code Section 8607, which requires specified training for all first responders prior to October 1, 2007, in the use of the National Incident Management System (NIMS), the Standardized Emergency Management System (SEMS), and the Incident Management System (ICS).

As a result, the eight-hour Basic Course for Response Personnel will be the standardized course for peace officers and first responders at any rank who are tasked to respond to an emergency incident. Instructors will be required to complete the 24-hour Train-the-Trainer Course for Response Personnel course prior to delivery or presentation of the 8-hour basic response course. The regulation amendments also identify the minimum curriculum content that must be included in both the basic response and instructor courses.

The documents listed below provide information about the proposed regulatory action and are available on the POST website at www.post.ca.gov/RegulationNotices/RegulationNotices.asp:

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Pursuant to provisions in the Administrative Procedures Act, the Commission invites written input on this proposal. POST must receive written comments related to the proposed actions no later than July 24, 2006.

No public hearing is scheduled. Pursuant to Government Code Section 11346.8, any interested persons or duly authorized representatives may request that POST hold a public hearing. POST must receive the written request for a public hearing no later than 15 days prior to the close of the public comment period.

Please direct any inquiries regarding this proposed regulatory action by mail to Patricia Cassidy, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Pat.Cassidy@post.ca.gov, or by telephone at 916.227.4847. Donald Lane is the back-up contact person for this proposal; he is available by email at Donald.Lane@post.ca.gov, or by telephone at 916.227.3916.

KENNETH J. O'BRIEN
Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
National Incident Management System (NIMS) Training Courses
Regulations 1070, 1081, and 1082

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Penal Code §13503 - powers of the Commission on POST, and §13506 - Commission on POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Penal Code §13503 (e) - Commission on POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses, §13519.12 - Commission on POST authority to establish training standards involving the responsibilities of first responders to terrorism incidents and training standards for related instruction.

Informative Digest/Policy Statement Overview

Senate Bill 1350 (McPherson), signed into law and enacted in Penal Code §13519.12, requires POST to:

1. Establish training standards for and develop a course of instruction to address the responsibilities of first responders to terrorism incidents that:
 - Includes criteria for the curriculum content required by Homeland Security Presidential Directive-5 (Managing Domestic Incidents).
 - Covers the required federal and state training needs of peace officers who may be tasked to respond to an emergency incident.
 - Is developed in consultation with the Governor's Office of Emergency Services (OES) and subject matter experts.
2. Use a variety of formats to develop a course of instruction to train trainers and first responders for maximizing the availability and delivery of this training.

POST has developed the eight-hour Basic Course for Response Personnel (SEMS/NIMS/ICS) and the twenty-four hour Train-the-Trainer Course for Response Personnel (SEMS/NIMS/ICS) instructor courses. Both courses meet or exceed the content requirements identified by the National Information Center (NIC). The POST Commission approved both courses in April 2006. The Department of Homeland Security (DHS), Office of Grants and Training (G&T) also approved the course as meeting or exceeding all federal training requirements and as consistent with requirements of Government Code 8607.

The proposed changes to Regulations 1070, 1081, and 1082 would:

- Provide standardized delivery of first responder to domestic incidents.
- Require instructors to complete the POST-certified twenty-four-hour trainer course prior to the delivery or presentation of the eight-hour basic course
- Specify the curriculum content for both courses.

As indicated in HSPD-5 all federal, state, local, and tribal governments must comply with the implementation and training requirements prior to October 1, 2006. HSPD-5 requires all agencies to use the National Incident Management System (NIMS) and Government Code 8607 requires the use of the Standardized Emergency Management System (SEMS) when responding to incidents in California.

Federal requirements require that all government employees who may be tasked to respond to an incident must receive specified levels of training. The two courses meet or exceed all federal and state training requirements that are currently in effect.

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Public Comment

The Commission hereby requests written comments on the proposed actions. *POST must receive all written comments no later than 5:00 p.m. on July 24, 2006.* Please direct any written comments to Kenneth J. O'Brien, Executive Director, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, or by fax at 916.227.2801.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request for a public hearing no later than 15 days prior to the close of the public comment period.

Adoption of Proposed Regulations

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available, at least 15 days before adoption, to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. Please address requests for the modified text to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

Text of Proposal, Rulemaking File, and Internet Access

Information regarding the proposed regulatory action can be found on the POST website at www.post.ca.gov/RegulationNotices/RegulationNotices.asp as follows:

- POST bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Anyone who does not have Internet access may request a copy of the documents listed above by calling 916.227.4847 or by submitting a written request to the contact person listed below. Please refer to POST Bulletin 2006-08. The rulemaking file contains the above-mentioned documents and all information upon which this proposal is based. The file will be maintained for inspection during the Commission's normal business hours (Monday through Friday, 8 a.m. to 5 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. A copy may be requested via the above phone number, or by writing to the address under Contact Persons at the end of this notice, or by viewing the document on the POST website at the address cited above.

Estimate of Economic Impact

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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Costs to any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no affect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no affect on housing costs.

Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

Contact Persons

Please direct any inquiries pertaining to the proposed action by mail to Patricia Cassidy, Associate Analyst, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by telephone at 916.227.4847, by FAX at 916.227.5271, or by email at Pat.Cassidy@post.ca.gov. The back-up contact person for this proposal is Donald Lane, Senior Consultant, Homeland Security Training Program at POST. He is available by telephone at 916.227.3916, or by email at Donald.Lane@post.ca.gov.